

House Study Bill 201 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON BALTIMORE)

A BILL FOR

1 An Act relating to the manufacture, acquisition, sale, and
2 use of firearms and suppressors, providing penalties, and
3 including effective date and applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 724.1, subsection 1, paragraph h, Code
2 2015, is amended by striking the paragraph.

3 Sec. 2. NEW SECTION. **724.1A Firearm suppressors —**
4 **certification.**

5 1. As used in this section, unless the context otherwise
6 requires:

7 a. "*Certification*" means the participation and assent of
8 the chief law enforcement officer of the jurisdiction where the
9 applicant resides or maintains an address of record, that is
10 necessary under federal law for the approval of an application
11 to make or transfer a firearm suppressor.

12 b. "*Chief law enforcement officer*" means the county sheriff,
13 chief of police, or the designee of such official, that the
14 federal bureau of alcohol, tobacco, firearms and explosives,
15 or any successor agency, has identified by regulation or has
16 determined is otherwise eligible to provide any required
17 certification for making or transferring a firearm suppressor.

18 c. "*Firearm suppressor*" means a mechanical device
19 specifically constructed and designed so that when attached to
20 a firearm silences, muffles, or suppresses the sound when fired
21 that is considered a "*firearm silencer*" or "*firearm muffler*" as
22 defined in 18 U.S.C. §921.

23 2. a. A chief law enforcement officer is not required
24 to make any certification under this section the chief law
25 enforcement officer knows to be false, but the chief law
26 enforcement officer shall not refuse, based on a generalized
27 objection, to issue a certification to make or transfer a
28 firearm suppressor.

29 b. When the certification of the chief law enforcement
30 officer is required by federal law or regulation for making or
31 transferring a firearm suppressor, the chief law enforcement
32 officer shall, within thirty days of receipt of a request for
33 certification, issue such certification if the applicant is
34 not prohibited by law from making or transferring a firearm
35 suppressor or is not the subject of a proceeding that could

1 result in the applicant being prohibited by law from making
2 or transferring the firearm suppressor. If the chief law
3 enforcement officer does not issue a certification as required
4 by this section, the chief law enforcement officer shall
5 provide the applicant with a written notification of the denial
6 and the reason for the denial.

7 *c.* A certification that has been approved under this section
8 grants the person the authority to make or transfer a firearm
9 suppressor as provided by state and federal law.

10 3. An applicant whose request for certification is denied
11 may appeal the decision of the chief law enforcement officer
12 to the district court for the county in which the applicant
13 resides or maintains an address of record. The court shall
14 review the decision of the chief law enforcement officer to
15 deny the certification de novo. If the court finds that the
16 applicant is not prohibited by law from making or transferring
17 the firearm suppressor, or is not the subject of a proceeding
18 that could result in such prohibition, or that no substantial
19 evidence supports the decision of the chief law enforcement
20 officer, the court shall order the chief law enforcement
21 officer to issue the certification and award court costs and
22 reasonable attorney fees to the applicant. If the court
23 determines the applicant is not eligible to be issued a
24 certification, the court shall award court costs and reasonable
25 attorney fees to the political subdivision of the state
26 representing the chief law enforcement officer.

27 4. In making a determination about whether to issue a
28 certification under subsection 2, a chief law enforcement
29 officer may conduct a criminal background check, including
30 an inquiry of the national instant criminal background check
31 system maintained by the federal bureau of investigation or any
32 successor agency, but shall only require the applicant provide
33 as much information as is necessary to identify the applicant
34 for this purpose or to determine the disposition of an arrest
35 or proceeding relevant to the eligibility of the applicant to

1 lawfully possess or receive a firearm suppressor. A chief law
2 enforcement officer shall not require access to or consent to
3 inspect any private premises as a condition of providing a
4 certification under this section.

5 5. A chief law enforcement officer and employees of the
6 chief law enforcement officer who act in good faith are immune
7 from liability arising from any act or omission in making a
8 certification as required by this section.

9 Sec. 3. Section 724.4, subsection 4, paragraph i, Code 2015,
10 is amended to read as follows:

11 *i.* A person who has in the person's possession and who
12 displays to a peace officer on demand a valid permit to
13 carry weapons which has been issued to the person, or whose
14 possession of a valid permit to carry weapons is able to be
15 verified through electronic means by a peace officer, and whose
16 conduct is within the limits of that permit. A person shall
17 not be convicted of a violation of this section if the person
18 produces at the person's trial a permit to carry weapons which
19 was valid at the time of the alleged offense and which would
20 have brought the person's conduct within this exception if the
21 permit had been produced at the time of the alleged offense.

22 Sec. 4. Section 724.4B, subsection 2, Code 2015, is amended
23 to read as follows:

24 2. Subsection 1 does not apply to the following:

25 *a.* A person listed under section 724.4, subsection 4,
26 paragraphs "b" through "f" or "j".

27 *b.* A person who has been specifically authorized by the
28 school to go armed with, carry, or transport a firearm on
29 the school grounds, including for purposes of conducting an
30 instructional program regarding firearms.

31 *c.* A person who has a professional permit to carry weapons
32 pursuant to section 724.6.

33 Sec. 5. Section 724.5, Code 2015, is amended to read as
34 follows:

35 **724.5 Duty to carry or verify permit to carry weapons.**

1 1. A person armed with a revolver, pistol, or pocket billy
2 concealed upon the person shall have in the person's immediate
3 possession the permit provided for in section 724.4, subsection
4 4, paragraph "i", and shall produce the permit for inspection at
5 the request of a peace officer.

6 2. A peace officer shall verify through electronic means, if
7 possible, the validity of the person's possession of a valid
8 permit to carry weapons. If the peace officer verifies through
9 electronic means that the person possesses a valid permit to
10 carry weapons, the person is not required to produce the permit
11 for inspection at the request of the peace officer.

12 3. A person shall not be convicted of a violation of this
13 section if the person produces before or at the person's trial
14 a permit to carry weapons that was valid at the time of the
15 alleged offense.

16 4. Failure to ~~se~~ produce a permit, unless the possession
17 of a valid permit is verified through electronic means, is a
18 simple misdemeanor.

19 Sec. 6. Section 724.7, subsection 1, Code 2015, is amended
20 to read as follows:

21 1. Any person who is not disqualified under section 724.8,
22 who satisfies the training requirements of section 724.9, if
23 applicable, and who files an application in accordance with
24 section 724.10 shall be issued a nonprofessional permit to
25 carry weapons. Such permits shall be on a form prescribed and
26 published by the commissioner of public safety, which shall
27 be readily distinguishable from the professional permit, and
28 shall identify the holder of the permit. Such permits shall
29 not be issued for a particular weapon and shall not contain
30 information about a particular weapon including the make,
31 model, or serial number of the weapon or any ammunition used
32 in that weapon. All permits so issued shall be for a period of
33 five years and shall be valid throughout the state except where
34 the possession or carrying of a firearm is prohibited by state
35 or federal law.

1 Sec. 7. Section 724.9, Code 2015, is amended by adding the
2 following new subsection:

3 NEW SUBSECTION. 1A. The handgun safety training course
4 required in subsection 1 may be conducted over the internet
5 in a live or web-based format, if completion of the course is
6 verified by the instructor or provider of the course.

7 Sec. 8. Section 724.11, subsections 1 and 3, Code 2015, are
8 amended to read as follows:

9 1. a. Applications for permits to carry weapons shall
10 be made to the sheriff of the county in which the applicant
11 resides. Applications for professional permits to carry
12 weapons for persons who are nonresidents of the state, or whose
13 need to go armed arises out of employment by the state, shall
14 be made to the commissioner of public safety. In either case,
15 the sheriff or commissioner, before issuing the permit, shall
16 determine that the requirements of sections 724.6 to 724.10
17 have been satisfied. However, ~~for renewal of a permit the~~
18 training program requirements in section 724.9, subsection
19 1, do not apply to an applicant who is able to demonstrate
20 completion of small arms training as specified in section
21 724.9, subsection 1, paragraph "d". For all other applicants
22 the training program requirements of section 724.9, subsection
23 1, must be satisfied within the twenty-four-month period prior
24 to the date of the application for the issuance of a permit.

25 b. (1) Prior to issuing a renewal, the sheriff or
26 commissioner shall determine the requirements of sections
27 724.6, 724.7, 724.8, and 724.10 and either of the following, as
28 applicable, have been satisfied:

29 (a) Beginning with the first renewal of a permit issued
30 after the calendar year 2010, and alternating renewals
31 thereafter, if a renewal applicant applies within thirty
32 days prior to the expiration of the permit or within thirty
33 days after expiration of the permit, the training program
34 requirements of section 724.9, subsection 1, do not apply.

35 (b) Beginning with the second renewal of a permit issued

1 after the calendar year 2010, and alternating renewals
2 thereafter, if a renewal applicant applies within thirty
3 days prior to the expiration of the permit or within thirty
4 days after expiration of the permit, a renewal applicant
5 shall qualify for renewal by taking an online training course
6 certified by the national rifle association or the department
7 of public safety, and the training program requirements of
8 section 724.9, subsection 1, do not apply.

9 (2) If any renewal applicant applies more than thirty days
10 after the expiration of the permit, the permit requirements
11 of paragraph "a" apply to the applicant, and any subsequent
12 renewal of this permit shall be considered a first renewal for
13 purposes of subparagraph (1). However, the training program
14 requirements of section 724.9, subsection 1, do not apply to an
15 applicant who is able to demonstrate completion of small arms
16 training as specified in section 724.9, subsection 1, paragraph
17 "d". For all other applicants, in lieu of the training program
18 requirements of section 724.9, subsection 1, the renewal
19 applicant may choose to qualify on a firing range under the
20 supervision of an instructor certified by the national rifle
21 association or the department of public safety or another
22 state's department of public safety, state police department,
23 or similar certifying body.

24 (3) As an alternative to subparagraph (1), and if the
25 requirements of sections 724.6, 724.7, 724.8, and 724.10 have
26 been satisfied, a renewal applicant may choose to qualify, at
27 any renewal, under the training program requirements in section
28 724.9, subsection 1, shall apply or the renewal applicant may
29 choose to qualify on a firing range under the supervision of
30 an instructor certified by the national rifle association or
31 the department of public safety or another state's department
32 of public safety, state police department, or similar
33 certifying body. Such training or qualification must occur
34 within the ~~twelve-month~~ twenty-four-month period prior to the
35 expiration of the applicant's current permit, except that

1 the twenty-four-month time period limitation for training or
2 qualification does not apply to an applicant who is able to
3 demonstrate completion of small arms training as specified in
4 section 724.9, subsection 1, paragraph "d".

5 3. The issuing officer shall collect a fee of fifty dollars,
6 except from a duly appointed peace officer or correctional
7 officer, for each permit issued. Renewal permits or duplicate
8 permits shall be issued for a fee of twenty-five dollars,
9 provided the application for such renewal permit is received by
10 the issuing officer ~~at least~~ within thirty days prior to the
11 expiration of the applicant's current permit or within thirty
12 days after such expiration. The issuing officer shall notify
13 the commissioner of public safety of the issuance of any permit
14 at least monthly and forward to the commissioner an amount
15 equal to ten dollars for each permit issued and five dollars
16 for each renewal or duplicate permit issued. All such fees
17 received by the commissioner shall be paid to the treasurer of
18 state and deposited in the operating account of the department
19 of public safety to offset the cost of administering this
20 chapter. Notwithstanding section 8.33, any unspent balance as
21 of June 30 of each year shall not revert to the general fund of
22 the state.

23 Sec. 9. Section 724.11, Code 2015, is amended by adding the
24 following new subsection:

25 NEW SUBSECTION. 5. The initial or renewal permit shall
26 have a uniform appearance, size, and content prescribed and
27 published by the commissioner of public safety. The permit
28 shall contain the name of the permittee and the effective date
29 of the permit, but shall not contain the permittee's social
30 security number. Such a permit shall not be issued for a
31 particular weapon and shall not contain information about a
32 particular weapon including the make, model, or serial number
33 of the weapon, or any ammunition used in that weapon.

34 Sec. 10. Section 724.11A, Code 2015, is amended to read as
35 follows:

1 **724.11A Recognition.**

2 A valid permit or license issued by another state to any
3 nonresident of this state shall be considered to be a valid
4 permit or license to carry weapons issued pursuant to this
5 chapter, except that such permit or license shall not be
6 considered to be a substitute for ~~an annual~~ a permit to acquire
7 ~~pistols or revolvers~~ firearms issued pursuant to section
8 724.15.

9 Sec. 11. Section 724.15, Code 2015, is amended by striking
10 the section and inserting in lieu thereof the following:

11 **724.15 Optional permit to acquire firearms.**

12 1. It is the purpose of this section to provide for a permit
13 to acquire firearms that will satisfy the requirements of 18
14 U.S.C. §922(t)(3) to allow the holder of such a permit to
15 acquire firearms from a federally licensed firearms dealer. A
16 person is not required to obtain a permit to acquire firearms
17 under this section if the person possesses a valid permit to
18 carry weapons issued in accordance with this chapter or if the
19 person has otherwise completed a satisfactory national instant
20 criminal background check required pursuant to 18 U.S.C.
21 §922(t).

22 2. A person may obtain a permit to acquire firearms pursuant
23 to this section. However, a permit to acquire firearms
24 shall not be issued to a person who is subject to any of the
25 following:

26 *a.* Is under twenty-one years of age.

27 *b.* Is prohibited by section 724.26 or federal law from
28 possessing, shipping, transporting, or receiving a firearm.

29 *c.* Is prohibited by court order from possessing, shipping,
30 transporting, or receiving a firearm.

31 3. A permit to acquire firearms shall authorize the permit
32 holder to acquire one or more firearms, without limitation,
33 from a federally licensed firearms dealer during the period the
34 permit remains valid pursuant to section 724.20.

35 4. An issuing officer who finds that a person issued

1 a permit to acquire firearms under this chapter has been
2 arrested for a disqualifying offense or who is the subject of
3 proceedings that could lead to the person's ineligibility for
4 such permit may immediately suspend such permit. An issuing
5 officer proceeding under this subsection shall immediately
6 notify the permit holder of the suspension by personal service
7 or certified mail on a form prescribed and published by the
8 commissioner of public safety and the suspension shall become
9 effective upon the permit holder's receipt of such notice. If
10 the suspension is based on an arrest or a proceeding that does
11 not result in a disqualifying conviction or finding against
12 the permit holder, the issuing officer shall immediately
13 reinstate the permit upon receipt of proof of the matter's
14 final disposition. If the arrest leads to a disqualifying
15 conviction or the proceedings to a disqualifying finding, the
16 issuing officer shall revoke the permit. The issuing officer
17 may also revoke the permit of a person whom the issuing officer
18 later finds was not qualified for such a permit at the time of
19 issuance or who the officer finds provided materially false
20 information on the permit application. A person aggrieved by a
21 suspension or revocation under this subsection may seek review
22 of the decision pursuant to section 724.21A.

23 Sec. 12. Section 724.16, Code 2015, is amended by striking
24 the section and inserting in lieu thereof the following:

25 **724.16 Prohibited transfers of firearms.**

26 1. A person shall not transfer a firearm to another person
27 if the person knows or reasonably should know that the other
28 person is prohibited from receiving or possessing a firearm
29 under section 724.26 or federal law.

30 2. A person shall not loan or rent a firearm to another
31 person for temporary use during lawful activities if the person
32 knows or reasonably should know that the person is prohibited
33 from receiving or possessing a firearm under section 724.26 or
34 federal law.

35 3. A person who transfers, loans, or rents a firearm in

1 violation of this section commits a class "D" felony.

2 Sec. 13. Section 724.17, Code 2015, is amended to read as
3 follows:

4 **724.17 Application for ~~annual~~ permit to acquire firearms —**
5 **criminal history check required.**

6 1. The application for ~~an annual~~ a permit to acquire ~~pistols~~
7 ~~or revolvers~~ firearms may be made to the sheriff of the county
8 of the applicant's residence and shall be on a form prescribed
9 and published by the commissioner of public safety.

10 a. The If an applicant is a United States citizen, the
11 application shall require only the full name of the applicant,
12 the driver's license or nonoperator's identification card
13 number of the applicant, the residence of the applicant, and
14 the date and place of birth of the applicant.

15 b. If the applicant is not a United States citizen, the
16 application shall, in addition to the information specified in
17 paragraph "a", require the applicant's country of citizenship,
18 any alien or admission number issued by the United States
19 immigration and customs enforcement or any successor agency,
20 and, if applicable, the basis for any exception claimed
21 pursuant to 18 U.S.C. §922(y).

22 c. The applicant shall also display an identification card
23 that bears a distinguishing number assigned to the cardholder,
24 the full name, date of birth, sex, residence address, and brief
25 description and colored photograph of the cardholder, or other
26 identification as specified by rule of the department of public
27 safety.

28 2. The sheriff shall conduct a criminal history check
29 concerning each applicant by obtaining criminal history data
30 from the department of public safety which shall include an
31 inquiry of the national instant criminal background check
32 system maintained by the federal bureau of investigation or
33 any successor agency and an immigration alien query through
34 a database maintained by the United States immigration and
35 customs enforcement or any successor agency if the applicant

1 is not a United States citizen.

2 3. A person who makes what the person knows to be a false
3 statement of material fact on an application submitted under
4 this section or who submits what the person knows to be any
5 materially falsified or forged documentation in connection with
6 such an application commits a class "D" felony.

7 Sec. 14. Section 724.18, Code 2015, is amended by striking
8 the section and inserting in lieu thereof the following:

9 **724.18 Procedure for making application for permit to acquire**
10 **firearms.**

11 1. A person may personally request the sheriff to mail an
12 application for a permit to acquire firearms, and the sheriff
13 shall immediately forward such application to the person. The
14 person shall personally deliver such a completed application
15 to the sheriff who, upon successful completion of the criminal
16 history check and immigration alien query, if applicable,
17 required pursuant to section 724.17, shall note the period of
18 validity on the application and immediately issue the permit
19 to the applicant.

20 2. For the purposes of this section, the date of application
21 shall be the date on which the sheriff received the completed
22 application.

23 Sec. 15. Section 724.19, Code 2015, is amended to read as
24 follows:

25 **724.19 Issuance of ~~annual~~ permit to acquire firearms.**

26 The ~~annual~~ permit to acquire ~~pistols or revolvers~~ firearms
27 shall be issued to the applicant immediately upon completion
28 of the application unless the applicant is disqualified under
29 the provisions of section 724.15 ~~and~~. The permit shall be on a
30 form have a uniform appearance, size, and content prescribed
31 and published by the commissioner of public safety. The permit
32 shall contain the name of the permittee, ~~the residence of the~~
33 permittee, and the effective date of the permit, but shall
34 not contain the permittee's social security number. Such a
35 permit shall not be issued for a particular weapon and shall

1 not contain information about a particular weapon including the
2 make, model, or serial number of the weapon, or any ammunition
3 used in that weapon.

4 Sec. 16. Section 724.20, Code 2015, is amended to read as
5 follows:

6 **724.20 Validity of ~~annual~~ permit to acquire ~~pistols or~~**
7 **~~revolvers~~ firearms.**

8 The permit shall be valid throughout the state and shall
9 be ~~valid three days after the date of application and shall~~
10 ~~be invalid one year~~ five years after the date of ~~application~~
11 issuance.

12 Sec. 17. Section 724.21, Code 2015, is amended to read as
13 follows:

14 **724.21 Giving false information when acquiring ~~weapon~~**
15 **firearms.**

16 A person who gives a false name or presents false
17 identification, or otherwise knowingly gives false material
18 information to one from whom the person seeks to acquire a
19 ~~pistol or revolver~~ firearm, commits a class "D" felony.

20 Sec. 18. Section 724.21A, subsections 1 and 7, Code 2015,
21 are amended to read as follows:

22 1. In any case where the sheriff or the commissioner of
23 public safety denies an application for or suspends or revokes
24 a permit to carry weapons or ~~an annual~~ a permit to acquire
25 ~~pistols or revolvers~~ firearms, the sheriff or commissioner
26 shall provide a written statement of the reasons for the
27 denial, suspension, or revocation and the applicant or permit
28 holder shall have the right to appeal the denial, suspension,
29 or revocation to an administrative law judge in the department
30 of inspections and appeals within thirty days of receiving
31 written notice of the denial, suspension, or revocation.

32 7. In any case where the issuing officer denies an
33 application for, or suspends or revokes a permit to carry
34 weapons or ~~an annual~~ a permit to acquire ~~pistols or revolvers~~
35 firearms solely because of an adverse determination by

1 the national instant criminal background check system, the
2 applicant or permit holder shall not seek relief under this
3 section but may pursue relief of the national instant criminal
4 background check system determination pursuant to Pub. L. No.
5 103-159, sections 103(f) and (g) and 104 and 28 C.F.R. §25.10,
6 or other applicable law. The outcome of such proceedings shall
7 be binding on the issuing officer.

8 Sec. 19. Section 724.21A, Code 2015, is amended by adding
9 the following new subsection:

10 NEW SUBSECTION. 8. If an applicant appeals the decision by
11 the sheriff or commissioner to deny an application, or suspend
12 or revoke a permit to carry weapons or a permit to acquire
13 firearms, and it is later determined the applicant is eligible
14 to be issued or possess such a permit, the applicant shall
15 be awarded court costs and reasonable attorney fees. If the
16 decision of the sheriff or commission to deny the application,
17 or suspend or revoke the permit is upheld on appeal, the
18 political subdivision of the state representing the sheriff or
19 the commissioner shall be awarded court costs and reasonable
20 attorney fees.

21 Sec. 20. Section 724.22, subsection 5, Code 2015, is amended
22 to read as follows:

23 5. A parent or guardian or spouse who is twenty-one years of
24 age or older, of a person ~~fourteen years of age but less than~~
25 below the age of twenty-one may allow the person to possess a
26 pistol or revolver or the ammunition therefor for any lawful
27 purpose while under the direct supervision of the parent or
28 guardian or spouse who is twenty-one years of age or older, or
29 while the person receives instruction in the proper use thereof
30 from an instructor twenty-one years of age or older, with the
31 consent of such parent, guardian or spouse.

32 Sec. 21. Section 724.23, Code 2015, is amended to read as
33 follows:

34 **724.23 Records kept by commissioner and issuing officers.**

35 1. a. The commissioner of public safety shall maintain a

1 permanent record of all valid permits to carry weapons and of
2 current permit revocations.

3 b. The permanent record shall be kept in a searchable
4 database that is accessible on a statewide basis for the
5 circumstances described in subsection 2, paragraph "b" or "c".

6 2. a. Notwithstanding any other law or rule to the
7 contrary, the commissioner of public safety and any issuing
8 officer shall keep confidential personally identifiable
9 information of holders of nonprofessional permits to carry
10 weapons and permits to acquire firearms, including but not
11 limited to the name, social security number, date of birth,
12 residential or business address, and driver's license or other
13 identification number of the applicant or permit holder.

14 b. This subsection shall not prohibit the release of
15 statistical information relating to the issuance, denial,
16 revocation, or administration of nonprofessional permits to
17 carry weapons and permits to acquire firearms, provided that
18 the release of such information does not reveal the identity of
19 any individual permit holder.

20 c. This subsection shall not prohibit the release of
21 information to any law enforcement agency or any employee or
22 agent thereof when necessary for the purpose of investigating
23 a possible violation of law and probable cause exists, or for
24 conducting a lawfully authorized background investigation.

25 d. Except as provided in paragraphs "b" and "c", the
26 release of any confidential information under this section
27 shall require a court order or the consent of the person whose
28 personally identifiable information is the subject of the
29 information request.

30 Sec. 22. Section 724.27, subsection 1, unnumbered paragraph
31 1, Code 2015, is amended to read as follows:

32 The provisions of section 724.8, section 724.15, subsection
33 ± 2, and section 724.26 shall not apply to a person who is
34 eligible to have the person's civil rights regarding firearms
35 restored under section 914.7 if any of the following occur:

1 Sec. 23. NEW SECTION. **724.29A** **Fraudulent purchase of**
2 **firearms or ammunition.**

3 1. For purposes of this section:

4 *a.* "*Ammunition*" means any cartridge, shell, or projectile
5 designed for use in a firearm.

6 *b.* "*Licensed firearms dealer*" means a person who is licensed
7 pursuant to 18 U.S.C. §923 to engage in the business of dealing
8 in firearms.

9 *c.* "*Materially false information*" means information that
10 portrays an illegal transaction as legal or a legal transaction
11 as illegal.

12 *d.* "*Private seller*" means a person who sells or offers for
13 sale any firearm or ammunition.

14 2. A person who knowingly solicits, persuades, encourages,
15 or entices a licensed firearms dealer or private seller of
16 firearms or ammunition to transfer a firearm or ammunition
17 under circumstances that the person knows would violate the
18 laws of this state or of the United States commits a class "D"
19 felony.

20 3. A person who knowingly provides materially false
21 information to a licensed firearms dealer or private seller of
22 firearms or ammunition with the intent to deceive the firearms
23 dealer or seller about the legality of a transfer of a firearm
24 or ammunition commits a class "D" felony.

25 4. Any person who willfully procures another to engage in
26 conduct prohibited by this section shall be held accountable
27 as a principal.

28 5. This section does not apply to a law enforcement officer
29 acting in the officer's official capacity or to a person acting
30 at the direction of such law enforcement officer.

31 Sec. 24. NEW SECTION. **724.32** **Rules.**

32 The department of public safety shall adopt rules pursuant
33 to chapter 17A to administer this chapter.

34 Sec. 25. EFFECTIVE UPON ENACTMENT. The following
35 provision or provisions of this Act, being deemed of immediate

1 importance, take effect upon enactment:

2 1. The section of this Act amending section 724.1,
3 subsection 1, paragraph "h".

4 2. The section of this Act enacting new section 724.1A.

5 3. The section of this Act amending section 724.22.

6 4. The section of this Act amending section 724.23,
7 subsection 2.

8 5. The section of this Act amending section 724.29A.

9 6. The applicability section of this Act.

10 Sec. 26. APPLICABILITY. The section of this Act amending
11 section 724.23 applies to holders of nonprofessional permits to
12 carry weapons and permits to acquire firearms and to applicants
13 for nonprofessional permits to carry weapons and permits to
14 acquire firearms on or after the effective date of that section
15 of this Act.

16 EXPLANATION

17 The inclusion of this explanation does not constitute agreement with
18 the explanation's substance by the members of the general assembly.

19 This bill relates to the manufacture, acquisition, sale, and
20 use of firearms and suppressors.

21 FIREARM SUPPRESSORS. Current Iowa law provides that a
22 mechanical device specifically constructed and designed so that
23 when attached to a firearm it silences, muffles, or suppresses
24 the sound when fired is an offensive weapon. Under Code
25 section 724.3, any person who knowingly possesses an offensive
26 weapon commits a class "D" felony, punishable by confinement
27 for no more than five years and a fine of at least \$750 but not
28 more than \$7,500.

29 The bill strikes a provision in Code section 724.1(1)(h)
30 that classifies a firearm suppressor as an offensive weapon.
31 By striking this provision, a firearm suppressor is legal
32 to possess in the state. This provision takes effect upon
33 enactment.

34 The bill also creates in new Code section 724.1A, a process
35 whereby a person may apply to the chief law enforcement officer

1 of the jurisdiction where the person resides or maintains an
2 address of record for a certification to make or transfer a
3 firearm suppressor. The bill defines "firearm suppressor" to
4 mean a mechanical device specifically constructed and designed
5 so that when attached to a firearm silences, muffles, or
6 suppresses the sound when fired that is considered a "firearm
7 silencer" or "firearm muffler" as defined in 18 U.S.C. §921.

8 The bill specifies that a chief law enforcement officer
9 shall not refuse to provide certification, based on a
10 generalized objection, to an applicant making or transferring
11 a firearm suppressor. If a person applies for certification
12 to make or transfer a firearm suppressor with the chief
13 law enforcement officer, the bill requires the chief law
14 enforcement officer to issue the certification within 30
15 days of receiving such an application unless the applicant
16 is prohibited by law from making or transferring a firearm
17 suppressor or the applicant is the subject of a proceeding that
18 could result in the applicant being prohibited by law from
19 making or transferring a firearm suppressor. If the chief
20 law enforcement officer does not issue a certification under
21 the bill, the chief law enforcement officer shall provide the
22 applicant a written notification of the denial and the reason
23 for the denial. If the certification has been approved by the
24 chief law enforcement officer under the bill, the applicant
25 has the authority to make or transfer a firearm suppressor as
26 provided by state and federal law.

27 If the applicant's request for certification is denied,
28 the bill specifies that the applicant may appeal the decision
29 to the district court for the county in which the applicant
30 resides or maintains an address of record. The bill specifies
31 that the court shall review the decision of the chief law
32 enforcement officer to deny the certification de novo. If the
33 court finds that the applicant is not prohibited by law from
34 making or transferring a firearm suppressor, the bill requires
35 the court to order the chief law enforcement officer to issue

1 the certification and award court costs and reasonable attorney
2 fees to the applicant. If the court determines the applicant
3 is not eligible to be issued a certification, the bill requires
4 the court to award court costs and reasonable attorney fees to
5 the political subdivision of the state representing the chief
6 law enforcement officer.

7 In making a determination about whether to issue a
8 certification under the bill, a chief law enforcement officer
9 may conduct a criminal background check, but shall only require
10 the applicant to provide as much information as is necessary
11 to identify the applicant for this purpose or to determine
12 the disposition of an arrest or proceeding relevant to the
13 eligibility of the applicant to lawfully make or transfer a
14 firearm suppressor. The bill prohibits a chief law enforcement
15 officer from requiring access to any private premises as a
16 condition of providing a certification under this Code section.

17 A chief law enforcement officer and employees of the chief
18 law enforcement officer who act in good faith are immune
19 from liability arising from any act or omission in making a
20 certification under the bill.

21 The provisions relating to making or transferring a firearm
22 suppressor take effect upon enactment.

23 CARRYING WEAPONS. The bill provides that a person does not
24 commit the criminal offense of unlawfully carrying weapons
25 under Code section 724.4 if a peace officer is able to verify,
26 through electronic means, that the person possesses a valid
27 permit to carry weapons, and the conduct is within the limits
28 of the permit. A person who commits the offense of unlawfully
29 carrying weapons commits an aggravated misdemeanor.

30 CARRYING WEAPONS ON SCHOOL GROUNDS. The bill provides that
31 any person who possesses a professional permit to carry weapons
32 does not commit the criminal violation of unlawfully carrying
33 weapons on school grounds under Code section 724.4B. The
34 amendment to Code section 724.4B permits the public and private
35 professionals listed in Code section 724.6 to carry weapons on

1 school grounds if the person possesses a professional permit
2 to carry weapons. Under current law, only persons enumerated
3 in Code section 724.4B(2)(a) and (b) may possess a weapon on
4 school grounds. A person who commits the offense of unlawfully
5 carrying weapons on school grounds commits a class "D" felony.

6 DUTY TO CARRY OR VERIFY PERMIT TO CARRY WEAPONS. The bill
7 strikes the requirement in Code section 724.5 that a person
8 have a permit to carry weapons in the "immediate" possession
9 of the person but does require that the person have the permit
10 in the possession of the person. The bill requires a peace
11 officer to verify through electronic means, if possible,
12 the validity of a person's permit to carry weapons. If the
13 peace officer verifies through electronic means that the
14 person possesses a valid permit to carry weapons, the bill
15 provides that a person is not required to produce the permit
16 for inspection at the request of the peace officer. The bill
17 further provides that a person shall not be convicted of a
18 violation of Code section 724.5 if the person produces before
19 or at the person's trial a permit to carry weapons which was
20 valid at the time of the alleged offense. A person commits
21 a simple misdemeanor if the person fails to produce a valid
22 permit for inspection by a peace officer, if the peace officer
23 is unable to electronically verify the validity of such a
24 permit, and if the person fails to produce the permit before
25 or at trial.

26 HANDGUN SAFETY TRAINING COURSE. The bill provides in Code
27 section 724.9 that the handgun safety training course required
28 to obtain a permit to carry under Code section 724.11 may be
29 conducted over the internet in a live or web-based format, as
30 long as completion of the course is verified by the instructor
31 or provider of the course.

32 INITIAL PERMIT TO CARRY WEAPONS — TRAINING. The bill
33 specifies in Code section 724.11 that the training program
34 requirements in Code section 724.9(1) do not apply to an
35 applicant who is able to demonstrate completion of small

1 arms training as specified in Code section 724.9(1)(d). For
2 all other applicants the training program requirements in
3 Code section 724.9(1) must be satisfied within the 24-month
4 period prior to the date of the application for the issuance
5 of a permit. Current law specifies that the training program
6 requirements under Code section 724.9(1) must be satisfied
7 within the 12-month period prior to the application. A
8 corresponding amendment is made to Code section 724.7.

9 ISSUANCE OF PERMIT TO CARRY OR RENEWAL. Prior to issuing
10 any renewal of a permit to carry weapons, the sheriff or
11 commissioner under Code section 724.11 shall determine if the
12 requirements of Code sections 724.6, 724.7, 724.8, and 724.10
13 have been met. The bill provides for additional requirements
14 under certain circumstances.

15 The bill provides that beginning with the first renewal of
16 a permit issued after the calendar year 2010, and alternating
17 renewals thereafter, if a renewal applicant applies within 30
18 days prior to the expiration of the permit or within 30 days
19 after expiration of the permit, the training requirements of
20 Code section 724.9(1) do not apply.

21 The bill provides that beginning with the second renewal of
22 a permit issued after the calendar year 2010, and alternating
23 renewals thereafter, if a renewal applicant applies within
24 30 days prior to the expiration of the permit or within 30
25 days after expiration of the permit, a renewal applicant shall
26 qualify by taking an online training course certified by the
27 national rifle association or the department of public safety,
28 and the training program requirements of Code section 724.9(1)
29 do not apply.

30 If any renewal applicant applies more than 30 days after
31 the expiration of the permit, the bill specifies the training
32 program requirements in Code section 724.9(1) do apply to the
33 applicant. However, the bill specifies that the training
34 program requirements in Code section 724.9(1) do not apply to
35 a renewal applicant who is able to demonstrate completion of

1 small arms training as specified in Code section 724.9(1)(d).
2 For all other renewal applicants who have applied more than
3 30 days after the expiration of the permit, the bill allows,
4 in lieu of the training program requirements in Code section
5 724.9(1), the renewal applicant to choose to qualify on a
6 firing range under the supervision of an instructor certified
7 by the national rifle association or the department of public
8 safety or another state's department of public safety, state
9 police department, or similar certifying body. If a renewal
10 applicant applies more than 30 days after the expiration of the
11 permit, the bill specifies that any subsequent renewal shall be
12 considered a first renewal of the permit.

13 As an alternative, a renewal applicant, under the bill, may
14 choose to qualify at any renewal, under the training program
15 requirements in Code section 724.9(1), or the renewal applicant
16 may choose to qualify on a firing range under the supervision
17 of an instructor certified by the national rifle association
18 or the department of public safety or another state's
19 department of public safety, state police department, or
20 similar certifying body. Such training or qualification must
21 occur within the 24-month period prior to the expiration of
22 the applicant's current permit, except that the 24-month time
23 period limitation to complete the training or qualification
24 does not apply to an applicant who is able to demonstrate
25 completion of small arms training as specified in Code section
26 724.9(1)(d).

27 The bill specifies that the initial or renewal permit shall
28 have a uniform appearance, size, and content prescribed and
29 published by the commissioner of public safety. The bill
30 further specifies that the permit shall contain the name of
31 the permittee and the effective date of the permit, but shall
32 not contain the permittee's social security number. The bill
33 prohibits such a permit to be issued for a particular weapon or
34 to contain information about a particular weapon including the
35 make, model, or serial number of the weapon, or any ammunition

1 used in that weapon.

2 The bill does not increase or decrease the fee for a renewal
3 of a permit to carry weapons but does allow a renewal applicant
4 to pay the \$25 renewal application fee if the renewal applicant
5 applies within 30 days prior to the expiration of the permit
6 or within 30 days after such expiration. Current law requires
7 that in order to be assessed the \$25 renewal application fee,
8 the renewal applicant must apply at least 30 days prior to the
9 expiration of the permit to carry weapons.

10 PROHIBITED TRANSFERS OF FIREARMS. The bill strikes
11 the language of current Code section 724.16, relating to
12 transferring a pistol or revolver to a person without a
13 permit or acquiring a pistol or revolver without a permit and
14 substitutes language prohibiting the transfer of a firearm to
15 another person who does not possess a permit if the person
16 knows or reasonably should know the person is prohibited from
17 receiving or possessing a firearm under Code section 724.26
18 or federal law. The bill also provides that a person shall
19 not loan or rent a firearm to another person for temporary use
20 during lawful activities if the person knows or reasonably
21 should know the person is prohibited from receiving or
22 possessing a firearm under Code section 724.26 or federal
23 law. A person who violates this provision commits a class "D"
24 felony.

25 OPTIONAL PERMITS TO ACQUIRE FIREARMS. Current law provides
26 that any person who intends to purchase a pistol or revolver is
27 required to first obtain an annual permit to acquire pistols or
28 revolvers unless the person is otherwise exempt from obtaining
29 such a permit. The bill in Code section 724.15 eliminates this
30 type of mandatory permit and provides instead for an optional
31 permit to acquire firearms in order to satisfy the requirements
32 of federal law allowing the holder of such a permit to acquire
33 firearms from a federally licensed firearms dealer. A person
34 is not required to obtain a permit to acquire firearms to
35 purchase firearms from a federally licensed firearms dealer if

1 the person possesses a valid permit to carry weapons issued
2 in accordance with Iowa law or if the person has otherwise
3 completed a satisfactory national instant criminal background
4 check required by federal law to purchase firearms from a
5 federally licensed firearms dealer.

6 Under the bill, a person who applies for a permit to acquire
7 firearms is not eligible for the permit if the person is less
8 than 21 years of age or is prohibited by Code section 724.26
9 (felon in possession of a firearm), federal law, or court
10 order from possessing, shipping, transporting, or receiving a
11 firearm.

12 The bill in Code section 724.17 provides that an application
13 for a permit to acquire firearms is made to the sheriff of the
14 county of the applicant's residence. A person may request the
15 sheriff to mail a permit to acquire firearms under Code section
16 724.18, and the bill requires the sheriff to immediately
17 forward the application to the person. An applicant who is
18 a United States citizen is only required to provide certain
19 basic identifying documentation. An applicant who is not a
20 United States citizen must provide additional information and
21 is subject to an immigration alien query through a database
22 maintained by the United States immigration and customs
23 enforcement. All applicants are subject to a criminal history
24 background check. Corresponding amendments are made to Code
25 sections 724.11A and 724.21.

26 The permit to acquire firearms is required under Code
27 section 724.19 to be issued to the applicant immediately
28 upon completion of the application unless the applicant is
29 disqualified. The permit shall have a uniform appearance,
30 size, and content, but shall not contain the permittee's
31 social security number. Such permits shall not be issued for
32 a particular weapon and shall not contain information about a
33 particular weapon including the make, model, or serial number
34 of the weapon, or any ammunition used in that weapon.

35 The bill in Code section 724.15 provides that the permit to

1 acquire firearms may be suspended or revoked by the issuing
2 officer and the aggrieved permit holder may file an appeal with
3 an administrative law judge.

4 Current law in Code section 724.17 provides that a person who
5 makes what the person knows to be a false statement of material
6 fact on an application for a permit to acquire firearms
7 or who submits what the person knows to be any materially
8 falsified or forged documentation in connection with such an
9 application commits a class "D" felony. Under the bill in Code
10 section 724.16 a person who transfers ownership of a firearm
11 to a person that the transferor knows is prohibited under
12 Code section 724.26 (felon in possession of a firearm) from
13 possessing, shipping, transporting, or receiving a firearm
14 commits a class "D" felony.

15 The bill makes a conforming change to Code section 724.27
16 relating to the restoration of firearms rights.

17 ISSUANCE OF OPTIONAL PERMIT TO ACQUIRE AND PERMIT TO
18 ACQUIRE. The bill provides in Code section 724.20 that an
19 optional permit to acquire a firearm shall be valid five years
20 from the date of the issuance of the permit. Current law
21 provides that a permit to acquire is valid three days after
22 the date of the application and becomes invalid one year
23 after the date of the application for the permit to acquire.
24 The bill specifies that the permit to acquire firearms shall
25 have a uniform appearance, size, and content prescribed and
26 published by the commissioner of public safety. The bill
27 further specifies that the permit shall contain the name of
28 the permittee and the effective date of permit, but shall not
29 contain the permittee's social security number.

30 DENIAL, SUSPENSION, OR REVOCATION — PERMIT TO CARRY
31 WEAPONS AND PERMIT TO ACQUIRE FIREARMS. If an applicant under
32 Code section 724.21A appeals the decision by the sheriff or
33 commissioner to deny an application, or suspend or revoke a
34 permit to carry weapons or a permit to acquire firearms, and
35 it is later determined the applicant is eligible to be issued

1 or possess such a permit, the bill provides that the applicant
2 shall be awarded court costs and reasonable attorney fees.
3 However, if the decision of the sheriff or commissioner to deny
4 the application, or suspend or revoke the permit is upheld on
5 appeal, the political subdivision of the state representing the
6 sheriff or the commissioner shall be awarded court costs and
7 reasonable attorney fees.

8 POSSESSION OF PISTOL, REVOLVER, OR AMMUNITION BY PERSONS
9 UNDER 14 YEARS OF AGE. Under the bill in Code section
10 724.22(5), a parent or guardian or spouse who is 21 years of
11 age or older, or an instructor 21 years of age or older with
12 the consent of the parent or guardian or spouse, may allow
13 a minor of any age to possess a pistol or revolver or the
14 ammunition therefor, which then may be lawfully used. Current
15 law prohibits a parent or guardian or spouse who is 21 years
16 of age or older from allowing a minor under 14 years of age
17 from possessing a pistol, revolver, or the ammunition. This
18 provision takes effect upon enactment.

19 Except for the circumstances under Code section 724.22(4)
20 (security personnel) or Code section 724.22(5), under current
21 law, a person who sells, loans, gives, or makes available a
22 pistol or revolver or ammunition for a pistol or revolver to a
23 person below the age of 21 commits a serious misdemeanor for a
24 first offense and a class "D" felony for second and subsequent
25 offenses.

26 PERMIT TO CARRY AND PERMIT TO ACQUIRE RECORDS —
27 CONFIDENTIALITY. Current law requires the commissioner of
28 public safety to maintain a permanent record of all valid
29 permits to carry weapons and of current permit revocations.

30 The bill provides in Code section 724.23 that,
31 notwithstanding any other law or rule to the contrary, the
32 commissioner of public safety and any issuing officer (county
33 sheriff) shall keep confidential personally identifiable
34 information of holders of nonprofessional permits to carry
35 weapons and permits to acquire firearms. The release of any

1 confidential information, except as otherwise provided in the
2 bill, requires a court order or the consent of the person
3 whose personally identifiable information is the subject of
4 the information request. The bill does not prohibit release
5 of statistical information relating to the issuance, denial,
6 revocation, or administration of nonprofessional permits
7 to carry weapons and permits to acquire firearms if such
8 information does not reveal the identity of any individual
9 permit holder, the release of information to a law enforcement
10 agency investigating a violation of law where probable cause
11 exists, or the release for purposes of conducting a background
12 check. This provision applies to holders of nonprofessional
13 permits to carry weapons and permits to acquire firearms and
14 to applicants for nonprofessional permits to carry weapons and
15 permits to acquire firearms on or after the effective date of
16 the bill. This provision takes effect upon enactment.

17 FRAUDULENT PURCHASE OF FIREARMS OR AMMUNITION. The bill
18 provides that a person who knowingly solicits, persuades,
19 encourages, or entices a licensed firearms dealer or private
20 seller of firearms or ammunition to transfer a firearm or
21 ammunition under circumstances that the person knows would
22 violate the laws of this state or of the United States commits
23 a class "D" felony. A person who knowingly provides materially
24 false information to a licensed firearms dealer or private
25 seller of firearms or ammunition with the intent to deceive the
26 firearms dealer or seller about the legality of a transfer of a
27 firearm or ammunition commits a class "D" felony. Any person
28 who willfully procures another to engage in conduct prohibited
29 by this Code section shall be held accountable as a principal.

30 The Code section does not apply to a law enforcement officer
31 acting in the officer's official capacity or to a person acting
32 at the direction of such law enforcement officer.

33 This new Code section takes effect upon enactment.

34 RULES. The bill specifies that the department of public
35 safety shall adopt rules pursuant to Code chapter 17A to

H.F. _____

1 administer Code chapter 724.